

# Exhibit 4

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS,

*Plaintiff,*

v.

MERRICK GARLAND, *et al.*,

*Defendants.*

No. 5:23-cv-34-H

**DECLARATION OF HENRY DE LA GARZA**

My name is Henry De La Garza, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Human Resources Director for the Office of the Attorney General (“OAG”) and Chief of the Human Resources Division. I have held this title since November 2020. As a part of my role, I oversee many human resource functions for this state agency, including employment & compensation, benefits, recruiting, leave, training & development, accommodations, charges of discrimination, and human resources policies.

2. From a broad perspective, the OAG is a dynamic state agency with over 4,000 employees throughout the State of Texas. As the State’s law firm, the OAG provides exemplary legal representation in diverse areas of law. Employees at OAG enjoy a family-friendly work environment and tremendous opportunities to do important work at a large, dynamic state agency that makes a positive difference in the lives of Texans.

3. As part of the Consolidated Appropriations Act of 2023, Congress enacted, among other things, the “Pregnant Workers Fairness Act.” *See* Pub. L. 117-328, Div. II, § 101, 136 Stat.



4459, 6084 (2022).

4. This Act amends Title VII of the Civil Rights Act of 1964 by now requiring covered employers to provide accommodations to pregnant employees that were not previously mandated by federal or state law. Specifically, the Act now requires covered employers to “make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless” doing so would “impose an undue hardship on the operation of the business.” *Id.* § 103(1). The Act also prohibits covered employers from “deny[ing] employment opportunities,” “requiring a qualified employee to take leave,” and “tak[ing] adverse action” based on the employee’s need for an accommodation. *Id.* § 103(3)–(5). And the Act now imposes the same definitions of “reasonable accommodation” and “undue hardship” as are used in the Americans with Disabilities Act. *Id.* § 102(7).

5. Notably, the State of Texas is composed of numerous state agencies, one of which is OAG. Like all state agencies, OAG is a government employer with government employees. As a government employer, OAG falls within the Act’s definition of a “covered entity.” *Id.* § 102(2)(B)(iii) (citing 42 U.S.C. § 2000e-16c(a)). Thus, OAG and all other Texas’s agencies are subject to the Act’s new requirements.

6. Because the Act imposes new requirements on OAG as a government employer, OAG must now (1) engage in legal research to understand and prepare for the Act’s new requirements; (2) review and update OAG’s policies as needed to comply with the Act’s new requirements; (3) review and update any OAG training regarding the new requirements as needed to comply with the Act’s new requirements; (4) review, assess, and otherwise process any requested pregnancy accommodations under the Act’s new requirements; and (5) answer,

respond, litigate, or otherwise defend against charges of discrimination filed with the U.S. Equal Employment Opportunity Commission (“EEOC”), investigations by the EEOC, lawsuits by the U.S. Department of Justice (“DOJ”), and private actions by allegedly aggrieved individuals.

7. All these additional compliance measures caused by the Act’s new requirements will impose costs on OAG. For instance, OAG estimates that it will spend roughly (1) \$574.76 to have the Human Resources (“HR”) Director, HR Deputy Director, and a law clerk engage in adequate legal research of the Act’s new requirements; (2) \$637.58 to have the HR Director, HR Deputy Director, Director of Employee Development, and Administrative Operations Manager review and update OAG’s policies in order to comply with the Act’s new requirements; (3) \$263.63 to have the HR Director, Director of Employee Development, and Senior Training Coordinator review and update any OAG training as needed to comply with the Act’s new requirements; (4) \$539.13 to have the HR Director and the Administrative Operations manager review, assess, and otherwise process any pregnancy accommodations requests under the Act’s new requirements; and (5) \$4,685.92 to have the HR Director, HR Deputy Director, law clerk, and Administrative Operations Manager to answer any charges of discrimination filed with the EEOC. *See Ex. A.*

8. Overall, in response to the Act’s new requirements regarding accommodations for pregnant employees, OAG estimates that it will initially spend around \$6,674.01 and more than over 100 hours of time to comply with the Act’s new requirements for the first year. *See Ex. A.*

9. In addition, unless the Act’s new requirements are enjoined and declared unlawful, the estimated costs related to processing pregnancy accommodation requests and answering EEOC charges may be incurred on an annual basis at an estimated \$539.13 and \$4,685.92,



respectively.

10. Therefore, based on my knowledge and expertise regarding the compliance costs and measures implemented by OAG, the total costs to OAG of complying the Act's new amendments may increase in the future.

11. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct to the best of my knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of November 2023.

  
HENRY DE LA GARZA

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DECLARATION OF HENRY DE LA GARZA

EXHIBIT 1

**Estimated OAG Compliance Costs Related to the Pregnant Workers Fairness Act (PWFA) [Consolidated Appropriations Act of 2023]**

[illegible]